

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

CHARLES Y. WALKER,

Plaintiff,

vs.

Civil Action 2:08-CV-523
Judge Smith
Magistrate Judge King

RONALD J. O'BRIEN, et al.,

Defendants.

ORDER

On July 27, 2009, the United States Magistrate Judge issued a *Report and Recommendation* recommending that the motion filed by the Department of Rehabilitation and Correction to dismiss the claims asserted against it for lack of jurisdiction, Doc. No. 20, be granted. This matter is now before the Court on plaintiff's objection to the *Report and Recommendation*, which the Court will consider *de novo*. See 28 U.S.C. §636(b); F.R. Civ. P. 72(b)(3).

The complaint asserts a claim under 42 U.S.C. §1983 directly against the Ohio Department of Rehabilitation and Correction, a state agency. Doc. No. 4.¹ The Court lacks jurisdiction over the claims asserted against this defendant. See *Foulks v. Ohio Department of Rehabilitation and Correction*, 713 F.2d 1229 (6th Cir. 1983). Plaintiff's objection does not address this jurisdictional issue, but addresses the merits of his claim.

Plaintiff's objection to the *Report and Recommendation*, Doc. No. 23, is **DENIED**. The *Report and Recommendation* is **ADOPTED** and **AFFIRMED**. The motion to dismiss, Doc. No. 20, is **GRANTED**. The

¹The complaint also asserts claims against officials of Franklin County, Ohio.

defendant state agency is **DISMISSED** from this action.

The action continues, however, against the defendant county officials.

s/George C. Smith
George C. Smith, Judge
United States District Court